

111TH CONGRESS
1ST SESSION

H. R. 3461

To amend title 23, United States Code, to provide grants and technical assistance to restore orphan highways.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2009

Mr. BLUMENAUER (for himself, Mr. MORAN of Kansas, Mr. ISRAEL, and Mr. HEINRICH) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to provide grants and technical assistance to restore orphan highways.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Orphan Highway Res-
5 toration Act”.

6 **SEC. 2. NATIONAL ORPHAN HIGHWAYS PROGRAM.**

7 (a) IN GENERAL.—Chapter 1 of title 23, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

1 **“§ 167. National orphan highways program**

2 “(a) GRANTS AND TECHNICAL ASSISTANCE.—

3 “(1) IN GENERAL.—The Secretary shall make
4 grants and provide technical assistance to States
5 and units of local government to—

6 “(A) perform preventive maintenance on or
7 carry out projects for resurfacing, restoration,
8 reconstruction, and rehabilitation of an orphan
9 highway; and

10 “(B) rehabilitate, repair, or construct side-
11 walks, medians, bike lanes, traffic-calming de-
12 vices, signaling, or signs to enhance community
13 livability on or adjacent to an orphan highway.

14 “(2) PRIORITY.—In making grants under this
15 section, the Secretary shall give priority to projects
16 that—

17 “(A) include rehabilitation measures that
18 focus on pedestrian safety;

19 “(B) are coordinated with State and local
20 adopted preservation or development plans;

21 “(C) promote cost-effective and strategic
22 investments in transportation infrastructure fa-
23 cilities that minimize adverse impacts on the
24 environment;

25 “(D) promote innovative private sector
26 strategies;

1 “(E) foster public-private partnerships;

2 “(F) include a higher percentage of State
3 or locally matched funds;

4 “(G) have zoning designations that support
5 more intensive, mixed-use development along
6 part or all of the route; or

7 “(H) upon completion, will result in the
8 transfer of ongoing management and adminis-
9 trative responsibilities from the State to the
10 local jurisdiction.

11 “(3) DISTRIBUTION OF FUNDS.—The Secretary
12 shall allocate funds made available for this section
13 for fiscal years 2010 through 2015 among the grant
14 recipients, using the latest available census data, as
15 follows:

16 “(A) Not less than 20 percent of the funds
17 shall used for making grants to units of local
18 government with a population between 50,000
19 and 250,000 residents.

20 “(B) Not less than 50 percent of the funds
21 shall be used for making grants to units of local
22 government with a population of less than
23 50,000.

24 “(b) SAVINGS CLAUSE.—The Secretary shall not
25 withhold any grant or impose any requirement on a grant

1 recipient as a condition of providing a grant or technical
2 assistance for any orphan highway unless the requirement
3 is consistent with the authority provided in this chapter.

4 “(c) FEDERAL SHARE.—The Federal share of the
5 cost of carrying out a project under this section shall be
6 determined in accordance with section 120, except that,
7 in the case of an orphan highway that provides access to
8 or within Federal or Indian land, the head of a Federal
9 land management agency may use funds authorized for
10 such agency for the non-Federal share.

11 “(d) ADMINISTRATIVE OVERSIGHT.—A grant recipi-
12 ent may use not more than 2 percent of funds received
13 under this section for administrative costs.

14 “(e) DEFINITIONS.—In this section, the following
15 definitions apply:

16 “(1) ORPHAN HIGHWAY.—The term ‘orphan
17 highway’ means a highway that—

18 “(A) is or was formerly a United States
19 numbered highway;

20 “(B) is located within the boundaries of a
21 unit of local government;

22 “(C) is no longer a principal route for traf-
23 fic passing through the State after construction
24 of a bypass or Interstate System route;

1 “(D) currently functions as a county, par-
2 ish, or city arterial or collector route, or pro-
3 vides access to or within Federal or tribal lands;
4 and

5 “(E) because of decreased importance to
6 statewide transportation, has received only rou-
7 tine maintenance but needs significant resur-
8 facing, restoration, reconstruction, or rehabilita-
9 tion.

10 “(2) UNIT OF LOCAL GOVERNMENT.—The term
11 ‘unit of local government’ means—

12 “(A) any city, county, township, town, bor-
13 ough, parish, village, or other general purpose
14 political subdivision of a State;

15 “(B) any law enforcement district or judi-
16 cial enforcement district that—

17 “(i) is established under applicable
18 State law; and

19 “(ii) has the authority to, in a manner
20 independent of other State entities, estab-
21 lish a budget and impose taxes;

22 “(C) an Indian tribe, as that term is de-
23 fined in section 4 of the Indian Self-Determina-
24 tion and Education Assistance Act (25 U.S.C.
25 450b); or

1 “(D) for the purposes of assistance eligi-
2 bility, any agency of the government of the Dis-
3 trict of Columbia or the Federal Government
4 that performs law enforcement functions in and
5 for—

6 “(i) the District of Columbia; or

7 “(ii) any Trust Territory of the
8 United States.

9 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
10 is authorized to be appropriated out of the Highway Trust
11 Fund (other than the Mass Transit Account) to carry out
12 this section \$600,000,000 for each of fiscal years 2010
13 through 2015.”.

14 (b) CONFORMING AMENDMENT.—The analysis for
15 such chapter is amended by adding at the end the fol-
16 lowing:

“167. National orphan highways program.”.

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